

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

D. JEANETTE FINICUM, et al.,

Plaintiffs,

No. 2:18-cv-00160-MO

v.

ORDER OF DISMISSAL

UNITED STATES OF AMERICA, et al.,

Defendants.

MOSMAN, J.,

On November 17, 2021, Plaintiffs were issued an Order to Show Cause [ECF 198] why this case should not be dismissed for want of prosecution as Plaintiffs failed to respond to two Motions to Dismiss filed on October 28, 2021, [ECF 191], and October 29, 2021, [ECF 193], respectively. The Order gave Plaintiffs ten days to show cause.

Plaintiffs timely filed a Response to the Court's Order to Show Cause [ECF 207] on November 29, 2021. However, showing cause requires Plaintiffs to provide facts particular to this case as to why the Court should not dismiss this case for want of prosecution. Plaintiffs' response fails to provide any factual information to show cause and instead recites hornbook law. Plaintiffs also fail to provide any declaration that provides the Court with any additional facts. In their Response to the Order to Show Cause, Plaintiffs allege that the Court did not provide notice this case would be dismissed. Resp. to Order to Show Cause [ECF 207] at 2. This is not accurate. The Court, in its Order to Show Cause, warned Plaintiffs that "[i]f no appearance is made, this

case will be dismissed.” Order to Show Cause [ECF 198]. The act of filing a Response to Order to Show Cause is not adequate to in fact show cause.

Dismissal of this case is an appropriate remedy due to the Plaintiffs’ pattern of failing to timely respond to motions or to adequately respond to the Court when so ordered. Because Plaintiffs have consistently failed to prosecute their claims, I DISMISS this case with prejudice. Plaintiffs’ Motion for Extension of Time [ECF 206] is DENIED AS MOOT. The pending Motions for Leave to Appear Pro Hac Vice [ECF 195] and [ECF 203] are DENIED AS MOOT. Defendants’ Motions to Dismiss [ECF 191] and [ECF 193] are DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 30th day of November, 2021.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge